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Orthotics and Prosthetics  
Board of Examiners

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EXECUTIVE DIRECTOR

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF ORTHOTICS AND PROSTHETICS  
BOARD OF EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Administrative Action

JAMES L. POWERS

CONSENT ORDER

TO PRACTICE PROSTHETICS AND  
ORTHOTICS IN THE STATE OF  
NEW JERSEY

This matter was opened to the New Jersey State Board of Orthotic and Prosthetic Examiners (hereinafter "the Board") upon receipt of an application for licensure as a prosthetist-orthotist pursuant to the grandfather clause of the Orthotist and Prosthetist Licensing Act, N.J.S.A. 45:12B-12. The information provided on the licensure application informed the Board that the Respondent was convicted of one count of Assault by auto, a crime in the 4<sup>th</sup> degree in violation of N.J.S. 2C:12-1(c). The Judgment of Conviction

indicated that the Respondent entered into a guilty plea on November 13, 2002. Respondent was placed on probation for two years commencing November 1, 2002. The terms of the probation also included: 25 hours of community service, surrender of respondent's driver's license for one year, evaluation by TASC, random urine testing and attendance at anger management classes.

In a written statement to the Board, detailing the circumstances of the conviction, the Respondent informed the Board that he was involved in a DUI on September 1, 2001 in Palmyra, New Jersey. He "hit the back of the a car and was charged with assault because he pulled away and hit the car again." He was treated for a concussion which respondent alleges "may have led to his poor judgment of pulling away from the scene." As of April 30, 2003 he had six months remaining on the suspension of his drivers license. Pursuant to the Board's request, a written letter from respondent's psychologist confirmed that he started anger management sessions on April 3, 2003, attends regularly and seems "motivated to benefit from the session[s]." Respondent also confirmed to the Board that he is fulfilling his probation requirement. The Board requested a letter from the Probation Department regarding the status of Mr. Powers' probation. However, the Probation Department has informed the Board that no information will be provided without a court order and a release of information from Mr. Powers.

Having reviewed the entire record, including the judgment of conviction and the submissions of the respondent and his psychologist and the factors established in the Rehabilitated Convicted Offenders Act, N.J.S.A. 168A-1, it appears to the Board that these facts establish basis for conditional issuance of a license to practice prosthetics and orthotics, which provides that should the respondent violate any portion of the terms of the

criminal probation the Respondent's license to practice as a prosthetist-orthotist shall be automatically suspended. The basis for the Board's issuance of a license with conditions stems from the respondent's outstanding probation period which does not expire until November 1, 2004. Thus, the Board finds that the evidence in this matter demonstrates that rehabilitation is not complete and further finds that the condition constitutes a violation of N.J.S.A. 45:1-21(f). Upon receipt of proof of satisfactory completion of all the terms of the criminal Probation by the Board, Respondent may apply to the Board for a request to lift the condition imposed by this order. The Board may request that the Respondent appear before the Board or a committee of the Board before a determination to withdraw the condition of this order is made. It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 8<sup>th</sup> DAY OF October 2003,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice as a prosthetist-orthotist shall be issued on the condition that should the Board receive any reliable information that Respondent violates any of the terms of the court ordered probation the Respondent's license to practice as a prosthetist-orthotist is suspended automatically and immediately.
2. Respondent shall have the responsibility to inform the Board of his failure to comply with his probation and shall cease and desist from the practice of orthotics and prosthetics in the event that he is in violation of any of the terms of his probation. Should Respondent continue to practice while in violation

of probation he shall be deemed to be engaged in the practice of orthotics and prosthetics without a license and may be subject to revocation of his license. A copy of this consent order will be forwarded to Respondent's probation officer by the Board.

NEW JERSEY STATE ORTHOTIC AND PROSTHETIC BOARD  
OF EXAMINERS

By: \_\_\_\_\_

  
Louis Haberman, C.P.O.  
President

I have read and understand the  
within Consent Order and agree  
to be bound by its terms. Consent  
is hereby given to the Board to  
enter this Order.

  
James Powers

10/8/03